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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/713,432	11/15/2000	Todd Killian	TI-26605	3221

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TEXAS INSTRUMENTS INCORPORATED
P O BOX 655474, M/S 3999
DALLAS, TX 75265

EXAMINER

SCHRANTZ, STEPHEN D

ART UNIT	PAPER NUMBER
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2177

DATE MAILED: 02/25/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/713,432

Applicant(s)

KILLIAN ET AL.

Examiner

Steve Schrantz

Art Unit

2177

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 15 November 2000.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-15 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-15 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

DETAILED ACTION

Claim Objections

1. Claim 7 is objected to because of the following informalities:

The word "transmitted" found at "transmitted an abbreviated reference" should be replaced with transmitting to correct the verb tense with respect to the claim.

Appropriate correction is required.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

3. Claim 7 is rejected under 35 U.S.C. 112, first paragraph, as containing subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention.

The term "abbreviated reference" is not defined by the specification. The "abbreviated reference" will be referred to as a reference to the display component in order to expedite the prosecution of the application.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1-2, 5, 8, 11, and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Easty et al. (U.S. Patent 6,189,008) in view of Wachob (U.S. Patent 5,155,591).

Easty teaches independent claim 1 by the following:

“a profile database operable to store a viewer profile” at col. 4 lines 18-22, Easty teaches the user profile in which the system recommends content. Easty teaches that this content can include television programming and advertisements at col. 2 lines 10-16. Easty later teaches that the user profile is stored in a database at col. 5 line 3.

“a filter module electrically coupled to said profile database and to the supplemental data database, said filter module operable to access the viewer profile and the supplement data” at col. 5 lines 3-13. Easty teaches that the profile database is coupled to the supplemental data database that contains the content information. Through the coupling, the system is able to recommend content, or display component, that is more suited for the individual.

Easty’s system recommends content for each particular user. Recommending content for a particular user is taught at col.5 lines 16-21. Easty teaches that advertisements may also be delivered to the system at col. 2 lines 15-16 and col. 5 lines 22-24. Wachob teaches a system that delivers selected commercials for a particular viewer as taught at col. 1 lines 39-47. Each viewer inputs his demographic characteristics in the system at col. 1 lines 48-64. Wachob also teaches that his invention is capable of automatically selecting television programming at col. 1 lines 26-35. It would have been obvious to one ordinarily skilled in the art at the time of the

invention to combine the two inventions in order to allow the automatic display of the display component instead of simply recommending. By allowing the system to deliver several types of display components, Easty's system will not only deliver several types of display components, but it will also be able to deliver them automatically. The combined system would allow for the system to both automatically select television programming and advertisements or to recommend programming.

Easty teaches dependent claim 2 by the following:

"a profile module operable to receive viewer demographic information and, in response, to generate the viewer profile" at col. 4 lines 25-28. Easty teaches the delivery of the demographic information to the system. At col. 4 lines 22-24, Easty teaches that the user profile is continuously updated according to the user information, which is the demographic information input by the user at col. 4 lines 25-28. At col. 4 lines 62-65, Easty also teaches that a viewer's demographic information is compared to other viewers of similar demographics to create the viewer's profile.

Easty teaches dependent claim 5 by the following:

"wherein the filter module comprises a selection algorithm operable to select a preferred display component according to the viewer profile and the supplemental data" at col. 6 lines 9-16. The agenting section has created a user profile that is constantly updated to best represent the viewer's interests. It is obvious that some algorithm is being used to determine which contents are recommended to the viewer. The user profile and the available contents on the server are compared thus creating a list of personalized recommendations. Wachob teaches that television programming can also be selected according to demographics or viewer preferences at col. 11

lines 26-35. Because the converter can read the demographics and viewer preferences, an algorithm must translate this information to determine the programming that best suits the profile.

Easty and Wachob teach independent claim 6 by the following:

“storing a viewer profile in a profile database” at Easty col. 4 lines 18-22, Easty teaches the user profile in which the system recommends content. Easty teaches that this content can include television programming and advertisements at col. 2 lines 10-16. Easty later teaches that the user profile is stored in a database at col. 5 line 3.

“receiving supplemental data from a display component database” at Easty col. 5 lines 28-56. Easty teaches that the supplemental data is stored in a central database. The central database sends the information to an endpoint database where the viewers then access it.

“accessing the viewer profile in the profile database and the supplemental data” at Easty col. 6 lines 13-16. Easty’s system compares the profile with the contents stored in the database to determine which items to recommend.

“selecting a preferred display component in accordance with the viewer profile and supplemental data, the preferred display component operable to target a particular viewer relative to other viewers” at Wachob col. 11 lines 26-35. Wachob teaches that both commercials and the actual programming can be selected through a viewer’s profile.

Easty teaches dependent claims 8 and 12 by the following:

“receiving viewer demographic information” at col. 4 lines 25-28. Easty teaches the delivery of the demographic information to the system.

“generating the viewer profile according to the viewer demographic information” at col. 4 lines 22-24, Easty teaches that the user profile is continuously updated according to the user information, which is the demographic information input by the user at col. 4 lines 25-28. At col. 4 lines 62-65, Easty also teaches that a viewer’s demographic information is compared to other viewers of similar demographics to create the viewer’s profile.

Easty and Wachob teach independent claim 11 by the following:

“storing a viewer profile in a profile database” at col. 4 lines 18-22, Easty teaches the user profile in which the system recommends content. Easty teaches that this content can include television programming and advertisements at col. 2 lines 10-16. Easty later teaches that the user profile is stored in a database at col. 5 line 3.

“transferring the viewer profile to a television service provider” at Easty col. 4 lines 4-7. The endpoint server is at the cable company, or the television service provider. Easty teaches that the user profiles are stored at the endpoint server at col. 4 line 66. The information found in the viewer profile has been transferred to the television service provider.

“accessing the viewer profile transferred to the television service provider and supplemental data provided by the television service provider, wherein the television service provider accesses the viewer profile and supplemental data” at Easty col. 6 lines 13-16. Easty’s system compares the profile with the contents stored in the database to determine which items to recommend. Easty teaches that the endpoint server can be the cable or the television service provider at col. 4 lines

Art Unit: 2177

4-7. Easty also teaches that agenting section accesses both the viewer profile and the supplemental data at col. 6 lines 13-16. At col. 4 lines 15-18, Easty teaches that the agenting section is in the endpoint server, or the cable company.

“selecting a preferred display component in accordance with the viewer profile and supplemental data, wherein the television service provider selects the preferred display component, and the preferred display component is operable to target a particular viewer relative to other viewers” at Wachob col. 11 lines 26-35. Wachob teaches that both commercials and the actual programming can be selected through a viewer’s profile.

“transferring the preferred display component to a particular viewer associated with the viewer profile; and processing the preferred display component for viewer consumption” at col. 3 lines 58-63. Easty teaches that that the information is received from the endpoint server. The viewer is able to access this information so it has been transferred from the endpoint server to the viewers display device. Because the user can view, listen, or store the information for later use, the user is capable of processing the displaying component for consumption.

6. Claims 3, 9, and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Easty in view of Wachob as applied to claims above, and further in view of Goldberg et al. (U.S. Patent 5,155,591).

As per claim 3, Easty teaches that a user can input the demographic information at col. 4 lines 25-28. He does not teach that a demographic template is provided to the user for receiving the demographic information. Goldberg teaches the use of a demographic template at col. 25 lines 4-7. It would have been obvious to one ordinarily skilled in the art at the time of the

Art Unit: 2177

invention to use templates for the demographic information. The template serves as a means to input the demographic information of the user.

7. Claims 4, 10, and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Easy in view of Wachob in view of Goldberg as applied to claims above, and further in view of Dedrick (U.S. Patent 5,717,923) in view of Fish (U.S. Patent 6,195,652).

Goldberg teaches dependent claim 4 by the following:

" wherein the viewer profile contains demographic categories corresponding to input options comprising:" at col. 21 lines 61-65 and col. 25 lines 4-7;

"... an age option" at Goldberg col. 21 lines 66;

"... a gender option" at Goldberg col. 21 line 67;

"... a marital status option" at Goldberg col. 22 line 4;

"... an educational level option" at col. 22 line 3;

"... an income level option" at col. 22 line 1.

Goldberg does not teach that the demographics include a race option and a sexual preference option. Dedrick teaches that the advertisements can be based upon race at col. 3 lines 44-46. It would have been obvious to one ordinarily skilled in the art at the time of the invention to display content based upon race. A viewer's race can be used to better describe a particular person. By storing the most complete information in the profile database, the system can better select display components for each individual user.

Dedrick teaches that lifestyle characteristics are a part of the information considered when personalizing information content at col. 3 lines 46-55. At col. 1 lines 5-12, Dedrick

Art Unit: 2177

teaches that information content is delivered to a user based upon the user profile. Dedrick does not teach that sexual preference is a part of the demographic information place in the user profile. Fish does teach that a user's sexual preference can be place in a personal advertisement at col. 11 lines 14-16. It would have been obvious to one ordinarily skilled in the art at the time of the invention to include sexual preference as a part of the demographics on which to serve display components. By including sexual preference, the system can gain a better understanding of the user's lifestyle characteristics as shown at Dedrick col. 3 lines 46-55. A user will receive more personalized display components because of the extra information that the system has stored.

8. Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over Easty in view of Wachob as applied to claims above, and further in view of Herz (U.S. Patent 6,029,195).

Easty teaches a system that is capable of recommending particular dynamic content to a user based upon the user profile. Easty's system returns recommendations as taught at col. 4 lines 18-22. The system does not allow the user to select a reference to a display component that is then transmitted to the user. Herz teaches a system in which the viewer profile is compared to the information contents and then returns a list of possible matches for the viewer as shown at Fig. 10 Steps 1103 and 1104. The user then selects the article that he wishes to view and it is transferred to him as seen at Steps 1105 and 1106. In Figure 10, Herz teaches the viewing of news articles, but later he teaches that the system can be used for video at col. 37 lines 32-34. It would have been obvious to one ordinarily skilled in the art at the time of the invention to allow a user to select the display component. By returning a reference to the display components that

match a viewer's profile, the user can select the display component to view instead of letting the system automatically choose the program to watch. By only sending the selected display component, less information will be received at the viewer's end, and less bandwidth will be used to transmit the information. Because no extra display components are being sent, the user does not need storage for the components that were not requested.

Easty teaches that the endpoint server can be the cable or the television service provider at col. 4 lines 4-7. Easty also teaches that agenting section accesses both the viewer profile and the supplemental data at col. 6 lines 13-16. At col. 4 lines 15-18, Easty teaches that the agenting section is in the endpoint server, or the cable company.

9. Claim 15 is rejected under 35 U.S.C. 103(a) as being unpatentable over Easty in view of Wachob as applied to claims above, and further in view of Herz et al. (U.S. Patent 5,754,938).

Easty teaches an invention that is capable of reading a user profile and recommending display components as described above. Easty does not teach that a portion of a user's profile is read to determine display components. Herz does teach an invention that relates to electronic identification of desirable objects for a particular user at col. 1 lines 17-26. Herz also teaches that a user may not want the entire contents of his profile made available at col. 5 lines 34-59. It would have been obvious to one ordinarily skilled in the art at the time of the invention to not transfer all of the profile information. By transferring only a portion of the information, a user can maintain confidentiality. Transferring only a portion would also use less network bandwidth.

Conclusion


10. The prior art made of record in PTO 892 and not relied upon is considered pertinent to applicant's disclosure.

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Steve Schrantz whose telephone number is (703) 305-7690. The examiner can normally be reached on Mon-Fri. 8:15-4:45.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Breene can be reached on (703) 305-9790. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 746-7239 for regular communications and (703) 746-7238 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3900.

SDS
February 10, 2003


JOHN BREENE
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100